

## EXHIBIT 8

**DECLARATION OF CAROLYN LANDERS**

The undersigned, Carolyn Landers, deposes and states as follows:

1. My name is Carolyn Landers, and I am over the age of nineteen (19) years. I have personal knowledge of the facts set forth in this Declaration, and I give this Declaration voluntarily, without coercion and under penalty of perjury.

2. I began working for Sears, Roebuck & Co., at its store located in Auburn, Alabama, as a part-time sales associate in the appliance department in February 2004.

3. When I was hired, David Williams was my immediate supervisor and Kenny Reese was the Store General Manager. Shortly thereafter, John Lawrie became my immediate supervisor. As a sales associate in the appliance department, my duties primarily included being familiar with Sears' promotions and discounts, selling appliances to customers, working the cash register, keeping the sales area and the appliances clean, unpacking and setting out the appliances and the accessories on the sales floor, and any other duties that management asked me to perform.

4. During my employment with Sears, I received and was trained on the policies in Sears' Associate Handbook, including its policy against unauthorized discounts. Sears' unauthorized discount policy strictly prohibits sales associates from applying a coupon or other type of discount to a transaction when the customer is not eligible to receive the coupon or discount. I understood from the Handbook and my training that Sears considered the giving of unauthorized discounts to be unethical and unacceptable behavior and that associates could be terminated for it.

5. I recall that when I was working as a sales associate in appliances, Kenny Reese and John Lawrie held meetings with all of the appliance and other hardlines sales associates. During some of these meetings Reese and Lawrie specifically discussed Sears' policy prohibiting

the misuse of coupons. All of the sales associates were required to attend these meetings. I recall that Denise Smith and Beatrice Willis were working in appliances when management held these meetings.

6. When I was employed with Sears, it offered various coupons to its customers. The coupons had terms and conditions written on them including what products the coupon could be applied to and what customers were eligible to receive the discount on the coupon. I was trained to read the terms of the coupon to see if the customer was entitled to receive the discount. I was also trained to either discard the coupons or to put them in the detail drawer to be turned into the cash office at the end of the day.

7. When I worked in appliances, one of the coupons that Sears offered was a \$65.00 service coupon. I understood that these coupons were given out by Sears' service technicians (and not sales associates) at the customer's home after a customer declined a service repair. I further understood that the customer would then bring this coupon to the store and present it to the sales associate to use towards the purchase of a replacement item. I recall that this was stated on the coupon. I also understood that sales associates were required to collect and destroy the coupon and not reuse it after the customer presented it to the sales associate for the discount. I recall that this was also printed on the coupon.

8. I never gave a customer an unauthorized discount using Sears' service coupon or any other coupon.

9. The only times I applied the service coupon to a sale was when a customer brought it into the store after receiving it from a service technician. After receiving the service coupon from the customer, I threw it away or I put it in the drawer to be turned in to Sears' cash office.

10. I never gave a customer a discount using a service coupon that was already in the register.

11. I recall that when I worked in appliances Beatrice Willis and Denise Smith got upset with me on a few occasions for trying to discard a service coupon that was left in the register.

12. No one from management, including Kenny Reese, Terry Gandy, or John Lawrie ever told me to use coupons to close a sale if the customer was not eligible to receive the coupon.

13. I never heard anyone from management, including Kenny Reese, Terry Gandy, or John Lawrie, instruct a sales associate to use a service coupon or any other coupon to close a sale if the customer was not eligible to receive the coupon.

14. I never saw any one from management put any service coupons by the register or distribute these coupons.

15. In November 2004, John Lawrie told me that my sales transactions for the previous month were being investigated by Loss Prevention to see if I had given any customers an unauthorized discount using the service coupon. I understand that the investigation revealed that I had not misused this coupon.

16. I never observed Kenny Reese, Terry Gandy, John Lawrie, or anyone in management treat black associates less favorably than white associates.

17. I never observed that Kenny Reese spoke to white associates more than he spoke to black associates. Kenny Reese did not always speak to me when I worked at Sears. I am white.

18. When I worked as a sales associate, Kenny Reese told me, as well as other white sales associates, to stop watching television in the electronics department and to assist customers.

19. When I worked in appliances, Kenny Reese asked me to make copies of various documents for him.

20. When I worked at Sears, John Lawrie instructed me on several occasions to take boxes to the back and to help unpack and set out appliances and accessories on the sales floor. He asked me to do this when the store was being remodeled as well as before and after the remodel was complete. I understood that this was part of my job as a sales associate.

21. When I worked as a sales associate in the appliance department, I worked part-time because I was a full-time student at Auburn University. When I was hired, Sears informed me that it would accommodate my class schedule so I could remain in school. I understood that Sears' Auburn store tried to accommodate students' class schedules. This was one of the reasons why I wanted to work at Sears.

22. During my employment with Sears, members of management, including Terry Gandy, told me not to eat on the sales floor. I am not aware of a time that Gandy saw me eating on the sales floor and did not say anything to me about it.

23. I never heard Kenny Reese, Terry Gandy, John Lawrie, or anyone in management ever make any derogatory remarks about African-Americans.

24. I never heard Kenny Reese, Terry Gandy, John Lawrie, or anyone in management say that Denise Smith or Beatrice Willis was terminated because of her race.

25. I have no reason to believe that Terry Gandy, Kenny Reese, or anyone in management thought that I had given an unauthorized discount using the service coupon or any other coupon.

26. I am not aware of any Sears employee who has given a customer an unauthorized discount using a coupon who was retained by Kenny Reese, Terry Gandy or any Sears manager.

27. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

5/31/04  
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Date  
Carolyn Landers  
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Carolyn Landers